

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re CURRENCY CONVERSION FEE x
ANTITRUST LITIGATION : MDL Docket No. 1409
: M 21-95
: ORDER APPROVING DISTRIBUTION OF
This Document Relates To: : THE AGGREGATE NET SETTLEMENT
: FUND
: ALL ACTIONS.
x

WILLIAM H. PAULEY III, District Judge:

This Court having reviewed Plaintiffs' Motion to Approve the Distribution of the Aggregate Net Settlement Fund in Accordance with the March 8, 2013 Affidavit of Edward J. Radetich, Jr., C.P.A. ("Radetich Affidavit"), the Radetich Affidavit, and all supporting exhibits submitted with respect thereto, it is ORDERED that Plaintiffs' motion is GRANTED.

IT IS HEREBY FURTHER ORDERED as follows:

1. The Court approves the proposed allocation of the Aggregate Net Settlement Fund in accordance with the Court-approved Allocation Plan in *Ross v. American Express Co.* ("AMEX") (AMEX Dkt. No. 214) and the Court-approved CCF I Residual Allocation Plan (Ex. 1 to the April 20, 2012 Declaration of Nicholas Urban) (jointly, the "Plans"), as set forth by the Claims Administrator (Heffler, Radetich & Saitta LLP) in the Radetich Affidavit. The Aggregate Net Settlement Fund (approximately \$84,831,534.18) consists of (a) the amount remaining in the *AMEX* settlement fund after the Court-ordered awards to the named Plaintiffs, attorneys' fees and expenses, and notice, settlement administration and distribution expenses, and a \$2.5 million reserve fund, *see ¶3* below ("AMEX Net Settlement Fund"), and (b) the

Residual CCF I Settlement Fund (consisting of funds remaining in the Foreign Currency Fee Litigation Settlement Fund as of January 15, 2013, minus additional, post-fee petition, Court-approved costs, addressed in ¶2 below, and a \$2.5 million reserve fund, addressed in ¶3 below).

2. The Court approves the reimbursement of \$187,090.22 of post-fee petition CCF I costs to Plaintiffs' counsel.

3. The Court approves the creation of a \$5 million reserve fund to cover potential reissues of checks to claimants and any CCF I checks which clear after January 15, 2013, to be allocated in the amount of \$2.5 million each to the *AMEX* Net Settlement Fund and to the Residual CCF I Settlement Fund.

4. The Court finds that the Claims Administrator's methodology for calculating the pro-rata distributions, as set forth in the Radetich Affidavit, complies with: (a) the Plans, previously approved by the Court in its Orders dated April 30, 2012 (CCF I Dkt. Nos. 946 and 947); and (b) the requirements of due process, with all claimants having had a full and fair opportunity to present their claims and to be heard in connection with the processing and auditing thereof.

5. Accordingly, the Court authorizes payment of claims from the monies remaining in the Aggregate Net Settlement Fund for disbursement to the claimants, as set forth in the Radetich Affidavit and accompanying exhibits.

6. Plaintiffs' Lead Counsel are hereby authorized to distribute the Aggregate Net Settlement Fund in accordance with this Order and the findings, conclusions and determinations set forth in the Radetich Affidavit.

7. Without affecting the finality of the *AMEX* Order and Final Judgment Approving Settlement (CCF I Dkt. No. 948) or the CCF I Final Judgment and Order of Dismissal (CCF I Dkt. No. 763) or this Order in any respect, this Court reserves jurisdiction over any matters related to or ancillary to this Order.

Dated: April 16 2013
New York, New York

SO ORDERED:



William H. Pauley, III
U.S.D.J.

Copies to:

All Counsel of Record
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